IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH PAUSHA 1928

LA.App..No. 133 of 2005()

LAR.307/1996 of II ADDL.SUB COURT,TRIVANDRUM

APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.DILEEP

RESPONDENTS: CLAIMANTS:
---

1. R.RASEENA, APPIYATHU, K.P.7/370,
ANAYARA, KADAKAMPALLY.

2. R.SOOSANNA, RESIDING AT APPIYATHU,
K.P.7/370, ANAYARA, KADAKAMPALLY.

3. R.SUNDARESAN NAIR,
T.C.42/126, "USHAS", SREEVARAHAM.

4. R.RADHAKRISHNAN NAIR, "PUSHPAJALI", TC.13/2210,
GOUREESAPATTOM, PATTOM P.O.

5. R.GOPALAKRISHNAN NAIR, PANACHAVEEDU,
KARIKKAKAMURI, KADAKAMPALLY.

6. SREEKUMARAN NAIR,
VAVARAKONAM KARIYIL VEEDU, CHERUVAIKKAL.

R1 BY ADV. SRI.SUBHASH CYRIAC

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T. SANKARAN, J.

L.A.A.NO. 133 OF 2005

Dated this the 3rd day of January,2007

JUDGMENT

An extent of 1.41 Ares of land in Sy.No.1493/1-E of Kadakampally village was acquired for the purpose of Indian Airforce. Section 4(1) notification was dated 5.1.1991. The land was taken possession of on 26.10.1993. The Land Acquisition Officer fixed the land value at the rate of Rs.12,730/- per Are. On reference, the Land Acquisition Court enhanced the land value and held that the respondents are entitled to get compensation on the basis of the land value at Rs.27,190/- per Are. The court below relied on Exts.A1 and A2 judgments in L.A.R.Nos.227 of 1994 and 308 of 1996, which related to the adjacent properties. Learned Government Pleader submits that as against Ext.A1 judgment, L.A.A.No.1396 of 2002 was filed, but that appeal was dismissed. He

also submits that as against Ext.A2 judgment, no appeal was filed by the State. Since Exts.A1 and A2 judgments have become final, there is no ground for interference in the enhancement granted by the court below.

The Land Acquisition Appeal is, therefore, dismissed.

(K.T.SANKARAN)
Judge

ahz/

K.T.SANKARAN, J.

L.A.A.NO. 133 OF 2005

JUDGMENT

3rd January, 2007